

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DEVIN BENNETT

PLAINTIFF

v.

No. 4:12CV108-MPM-DAS

CAPTAIN NORRIS MORRIS, ET AL.

DEFENDANTS

**ORDER DENYING PLAINTIFF’S MOTION [112] TO CERTIFY
THIS CASE AS A CLASS ACTION SUIT**

This matter comes before the court on the motion [112] for case to be certified as a class action. The plaintiff argues that he and other Mississippi Death Row inmates are similarly situated, that he needs access to additional discovery, and that an appointed attorney and experts are essential to the resolution of this case. The motion is not well taken and will be denied.

Trial courts have broad discretion in determining whether or not to certify a class action. Rule 23. Class Actions, 1 Federal Rules of Civil Procedure, Rules and Commentary Rule 23. The Fifth Circuit has expressed its “recognition of the essentially factual basis of the certification inquiry and of the district court’s inherent power to manage and control pending litigation.” *Ahmad v. Old Republic Nat. Title Ins. Co.*, 690 F.3d 698, 701–02 (5th Cir. 2012).

This case has proceeded with a single plaintiff, off and on, since 2012. The issues in the case involve matters with which the plaintiff is personally familiar – and about which he may testify in a hearing should the case proceed that far. The case has moved to the Summary Judgment stage, and the court is loath to change its trajectory at this juncture. For these reasons, the instant motion [112] to certify a class of plaintiff consisting of Mississippi Death Row inmates is **DENIED**.

SO ORDERED, this, the 7th day of June, 2019.

/s/ MICHAEL P. MILLS
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI